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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,994	03/26/2004	James Jolly Clark	5853-00506	8490
35690	7590	02/06/2006		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,994

Applicant(s)

CLARK ET AL.

Examiner

Davis D. Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/4/04, 5/7/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7-10, and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver (US Patent 5,696,671).

Oliver '671 shows a water irrigation system comprising a computer system, a sensing unit 6 in communication with the computer system, wherein the computer system is configured to receive community irrigation instructions, and wherein the computer system is configured to control irrigation of a zone 2 to be irrigated at least partially based on the community irrigation instructions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver '671.

Oliver '671 also discloses using wind sensors near or in the zone to be irrigated in which wind sensors are known in the art to be elevated from the computer system by at least

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two meters in order to obtain accurate wind speeds. Regarding claims 4-6, it has been held that mere placement of the sensing unit involves only routine skill in the art since the sensing unit would still carry out its function regardless of its placement to a house, building, or eave of a house.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver '671 in view of Watson et al.

Watson et al. teaches a sensing unit of a water irrigation system in which power for the sensing unit is provided by solar panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Oliver '671 by incorporating a solar panel to supply at least a portion of electricity to the sensing unit as taught by Watson et al.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver '671 in view of Tracy et al.

Tracy et al. teaches an Irrigation system comprising an infrared receiver 320 to provide wireless communication to the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Oliver '671 by incorporating an infrared receiver as taught by Tracy et al. to provide wireless communication to the system.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver '671 in view of Zelikovitz et al.

Zelikovitz et al. teaches an irrigation system comprising an infrared transceiver 50 to provide wireless communication to the system. It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to have modified the device of Oliver '671 by incorporating an infrared receiver as taught by Zelikovitz et al. to provide wireless communication to the system.

8. Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver '671 in view of Watson et al.

Oliver '671 discloses a method of controlling irrigation comprising receiving community irrigation instructions with the water irrigation system and controlling irrigation of a zone to be irrigated by the water irrigation system at least partially based on the community irrigation instructions. Watson et al. teaches a sensing unit of a water irrigation system in which power for the sensing unit is provided by solar panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Oliver '671 by incorporating a solar panel to supply at least a portion of electricity to the sensing unit as taught by Watson et al.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davis Hwu



DAVIS HWU
PRIMARY EXAMINER